

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

: Case No. 3:19cr45(1)

vs.

: JUDGE WALTER H. RICE

GENE TALLEY,

Defendant.

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DECISION AND ENTRY OVERRULING DEFENDANT'S MOTION FOR  
BOND REVIEW/MOTION TO REVOKE DETENTION ORDER (DOC. #121);  
RIGHT OF APPEAL EXPLAINED

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Defendant is presently pending sentence on a charge of conspiracy to distribute and possess with the intent to distribute 100 grams or more of heroin, a charge which carries a mandatory minimum sentence of five years. The Rule 11(C)(1)(c) plea calls for a binding sentencing range of 60 to 150 months. His prior record includes drug trafficking and felonious assault convictions. Moreover, there is a detainer presently lodged against him for failure to appear on a case pending in the State of Texas.

The above, coupled with the fact that this is a presumption case, which Defendant has failed to rebut, and, further, that having entered a plea of guilty and awaiting sentencing, there is a presumption of detainability under law which this Defendant has, likewise, failed to rebut.

Accordingly, this Court concludes that there exists no condition or combination of conditions that would guarantee the appearance of the Defendant when necessary and/or the

safety of any other person and the community.

Defendant, to whom a copy of this Entry is sent, is advised that he has fourteen days from the filing of this Decision and Entry to appeal this Court's decision rendered herein to a higher court. He is entitled to the services of an attorney to aid him in such an appeal. Should he wish to appeal and desires an attorney to represent him, the Court will appoint an attorney for him, at no cost, to assist him in such an appeal.



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April 28, 2020

WALTER H. RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record

Marie Sebatware, US Pretrial Services Officer

Gene Talley, c/o Montgomery County Jail, 330 W. 2<sup>nd</sup> Street, Dayton, OH 45422